

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

MARY A. GILMORE,

Plaintiff

v.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

Case No. 4:05cv00004

ORDER

By: **Jackson L. Kiser**

Senior United States District Judge

Before me is the Report and Recommendation of the United States Magistrate Judge recommending reversal of the Commissioner's final decision denying the Plaintiff's claim for benefits. The Commissioner filed objections to the Report and Recommendation. I reviewed the Magistrate Judge's Report and Recommendation, the Commissioner's objections, and relevant portions of the Record. The matter is now ripe for decision. For the reasons stated in the accompanying Memorandum Opinion, I **REJECT IN PART** the Magistrate Judge's Report and **SUSTAIN IN PART** the Commissioner's objections.

The Commissioner's final decision denying Plaintiff's claim for benefits is **REVERSED**, and the case is hereby **REMANDED** to the Commissioner for further consideration in accordance with the accompanying Memorandum Opinion.

The Clerk is directed to send a copy of this Order and the accompanying Memorandum Opinion to the Magistrate Judge and all counsel of record.

Entered this 20th day of January, 2006

s/Jackson L. Kiser

Senior United States District Judge